IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 18392 of 1999

Between:

The Depot Manager, A.P.S.R.T.C.,
Paderu, Visakhapatnam District.

..... PETITIONER

AND

1 The Industrial Tribunal cum Labour Court,
Rep. by its Presiding Officer, Visakhapatnam.

2 Ch. Nook Raju S/o Ramulu
I.T.D.A. Colony, Paderu,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ, order or direction calling for the records relating to the award passed in I.D. No. 107/96 dt: 28/1/99 by the 1st Respondent and the notification published in G.O. Rt. No. 545 dt. 27-3-99 and set aside the same as illegal and arbitrary and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: KUM.B.G.UMADEVI, STANDING COUNSEL FOR APSRTC

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: None appeared

The Court made the following :

...

ORDER

Heard Kum.B.G.Umadevi, learned Standing Counsel appearing on behalf of the petitioner and also the learned counsel appearing on behalf of the contesting respondent.

The main question which involved is as to whether the 2nd respondent who has laid a claim by way of reference under Section 2-A (2) of the Industrial Disputes Act, 1947 was a contract labour. After the reference, the Labour Court on consideration of the evidence available on record, held that there is a relationship of employer and employee. In the similar circumstances, this Court has already dismissed similar Writ Petition in W.P.No.24326 of 1999 as per the order dated 16-03-2005.

Following the same and especially in view of the finding of fact arrived, I do not find any merit in this Writ Petition.

Accordingly, the Writ Petition is dismissed. No costs.

17-03-2005.

Hsd

Asst. Registrar

To

1 The Presiding Officer, Industrial
Tribunal cum Labour Court,
Visakhapatnam.

2 2 C.Cs to G.P. for Labour, High Court buildings, Hyderabad
(OUT)

3 2 CD copies